

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 86

CASE NO, 74-1

March 21, 1974

Pursuant to Section 8204.5 of the Zoning Regulations, the Zoning Commission hereby vacates the Board of Zoning Adjustment Order entered in BZA Application Number 11450, dated January 7, 1974, and, based upon the hereinafter stated Findings of Fact, Conclusions of Law and Decision, instructs the Board of Zoning Adjustment to grant approval of said application Number 11450 subject to the conditions set forth in the Decision.

FINDINGS OF FACT

1. National Permanent Federal Savings and Loan Association filed Application No. 11450 with the Board of Zoning Adjustment on July 13, 1973, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception in order to establish a parking lot in an R-2 zone district, as provided by Section 3101.48 of the Zoning Regulations.
2. The Board of Zoning Adjustment conducted a public hearing on said application for a special exception on September 19, 1973.
3. After considering said application for a special exception in Executive Session on November 20, 1973, the Board issued an Order denying said application on January 7, 1974, with Messrs. Harps and Scrivener dissenting from the majority.
4. The Zoning Commission, pursuant to Section 8204.3 of the Zoning Regulations, issued Order No. 82 on January 17, 1974, staying the effect of said Board of Zoning Adjustment Order.

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5. The Subject site is Pocated at 4201 Fessenden Street, N. W., lots 26 and 27 in Square 1669, The site is bounded by a 10 foot alley to the north, Fessenden Street, N. W., on the south, 42nd Street, N. W., on the east and an existing bituminous parking lot and a bank building owned by the applicant, all in lot 36 on the west. The proposed parking lot is located in its entirety within 200 feet of an existing commercial district and is contiguous with such commercial district,

6. The subject site has been cleared of all structures and is presently vacant.

7. The subject site was in an R-2 zone district, until the issuance of Zoning Commission Emergency Order No. 75 of October 18, 1973, which rezoned the site to R-5-B for a period of no more than 120 days. The site has been rezoned R-4 by Zoning Commission Order No. 87, Said special exception is still required to allow a parking lot in the R-4 zone district.

8. The proposed parking lot will provide 33 additional parking spaces for use by the applicant bank and adjacent retail business establishments. On Sundays the lot would be available for use by worshipers at the Apostolic Church of St, Mary, located immediately east of the site across 42nd Street, N. W.

9. The applicant filed an application with the Zoning Commission to change the zoning of the subject site from R-2 to C-2-A. The Zoning Commission denied applicant's request without a public hearing on July 13, 1973. The applicant has stated its intention to re-submit said application for zone change to the Commission, and accordingly, requested a three year limit on the use of the site as a parking lot,

10. The requested lot would be open from 8:00 a.m. to 6:00 p.m. and will be managed by the Doggett Parking Company. There will be no outside or drive-in windows located on the site.

11. The applicant proposes to provide egress and ingress to the proposed parking lot from an existing driveway from Wisconsin Avenue, through the existing parking lot to the west of the site in lot 36.

12. The District of Columbia Department of Highways and Traffic offered no objection to the proposed parking lot, providing that the sole driveway access be via Fessenden Street, because it was less heavily traveled than Wisconsin Avenue and would be preferable.

13. At least three financial institutions in the immediate neighborhood of the applicant's site have been allowed to use off-street parking lots by the Board (see Applications 11176, 10962 and Appeal 6325).

14. Opposition to the proposed parking lot from residents of the immediate neighborhood felt that due to the present traffic conditions in the neighborhood, the use of the site as a parking lot would increase the traffic problem.

CONCLUSIONS OF LAW

1. The proposed special exception is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps.

2. That the use of said site as a parking lot is reasonably necessary or convenient to the neighborhood, which presently has a shortage of commercial parking facilities contributing to traffic congestion in the area,

3. That said parking lot is located and all facilities thereof are so designed that it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions,

DECISION

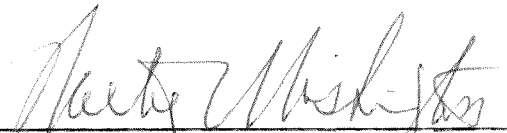
1. The Commission believes that the proposed parking lot can benefit the adjacent neighborhood by decreasing the amount of on street parking on Wisconsin Avenue, and adjacent residential streets. One of the basic factors leading to traffic congestion of this area is on street parking and double parking by those persons patronizing retail business establishments located on both sides of Wisconsin Avenue, In providing accessible off-street parking the applicant helps contribute to the solution of the traffic and parking problems presently confronting the retail and residential inhabitants of this area,

2. The Commission has carefully reviewed the record of this application, the transcript of the public hearing conducted by the Board and the evidence in support and opposition to said special exception and finds that the subject site is appropriate for use as a parking lot,

3. In consideration of its findings and conclusions herein, the Commission instructs the BZA to grant approval of said special exception for the construction of a parking lot in lots 26 and 27 of Square 1669, located at 4201 Fessenden Street, N. W., subject to the conditions set forth below:

- a. The said parking lot will be in existence for a maximum of 3 years from the effective date of this Order.
- b. The applicant shall meet all requirements of Section 7404 of the Zoning Regulations applicable to the R-4 zone in the construction of said parking lot.
- c. That applicant shall close the existing driveway off of Wisconsin Avenue, N. W., into the parking area located in lot 36, so as to lessen traffic congestion on Wisconsin Avenue.


- d. The only access and egress to all parking facilities owned by applicant and adjacent to its present building be located off of Fessenden Street, N. W.
- e. The applicant shall construct and maintain a suitable buffer surrounding said parking lot along the alley on the north, 42nd Street, N. W., on the east and Fessenden Street, N. W., on the south (except for the appropriate driveway entrance off of Fessenden Street).
- f. Plans for said buffer, shall be submitted for the approval of the BZA within 30 days of the effective date of this Order.



WALTER E. WASHINGTON


JOHN A. NEVIUS


STERLING TUCKER


GEORGE M. WHITE


RICHARD L. STANTON

ATTEST: 
MARTIN KLAUBER
Executive Secretary